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(1912-1999)

BRIAN J. BERNARD  
(1961-1995)

November 28, 2016

**Via: US Postal Service Form 3817**

Secretary's Bureau  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
2<sup>nd</sup> Floor, Room-N201  
400 North Street  
Harrisburg, PA 17120

RECEIVED  
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SECRETARY'S BUREAU

**Re: In the Matter of Application of Pennsylvania Electric Company**  
**A-2016-2565296**  
**A-2016-2565547**  
**Landowners:**  
**Kathy R Kelley & Jeffrey Kelley**  
**142 Mile Hill Road**  
**Johnstown PA 15909**

Dear Sir/Madam,

Enclosed please find an original and 2 copies of the PRE-HEARING MEMORANDUM and NOTICE OF APPEARANCE, with Certificate of Service for each, filed on behalf of the abovementioned landowner. Additionally enclosed please find additional copies of the first page of the above captioned two documents which I would appreciate if you would time-stamp and return same to my office in the enclosed self-addressed postage paid envelope.

If you have any questions, please feel free to contact my office. Your courtesy and cooperation are greatly appreciated.

Thank you for your attention.

Very truly yours,



Calvin J. Webb, II

CJW,II/lp

cc: Judge Jeffrey A. Watson  
Clients  
Mailing List

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**In the Matter of:** :  
**Application of Pennsylvania Electric Company** : **A-2016-2565296**  
: **A-2016-2565547**  
:  
: **Judge Jeffrey A. Watson**  
:  
: **Landowners:**  
: **Kathy R. Kelley &**  
: **Jeffrey Kelley**  
: **142 Mile Hill Road**  
: **Johnstown, PA 15909**  
:

**PRE-HEARING MEMORANDUM**

AND NOW COMES, Landowners KATHY R. KELLEY & JEFFREY KELLEY, by and through their attorneys, Smorto, Persio, Webb & McGill, and file the within foregoing Pre-Hearing Memorandum consistent with 52 Pa.Code § 5.221, et. seq. and respectfully aver the following:

**History of the Proceeding**

The property owned by Kathy R. Kelley and Jeffrey Kelley is located in an Agricultural Security Area and is adjacent to the Allegheny Front Hawkwatch. The Hawkwatch site is known for its predictable Golden Eagle flights.

Beginning in or about the Spring of 2015, the Pennsylvania Electric Company (hereafter "Penelec") began the process of notifying landowners of their desire to construct a new 115,000 volt electric line through Bedford and Somerset Counties. Shortly thereafter, Penelec representatives engaged in property visits and provided designs and specifications for the project, beginning the process of attempting to negotiate an easement agreement with landowners directly affected by the

route. Where access was granted by the specific landowners, Penelec also engaged in surveying, core-bore testing and environmental studies to supplement the information needed for the project's application to the Pennsylvania Public Utility Commission.

On or about September 1, 2016, Penelec filed their application with the Pennsylvania PUC to Docket #: A-2016-2565296 and provided notice to all landowners whose property is required for the route and had yet to reach an agreement for the right-of-ways sought. As part of the application process, the Commission scheduled a pre-hearing conference in Pittsburgh for Monday, December 5, 2016. The above-captioned landowners respectfully submit the foregoing memorandum outlining their position with regard to the project and the upcoming conference and hearing.

#### **Presently Identified Issues**

1. Since the property owned by Kathy R. Kelley & Jeffrey Kelley is located in an Agricultural Security Area, is the location of the proposed electric transmission line contrary to the purpose of the Agricultural Area Security Law (3 P.S. § 901).  
SUGGESTED ANSWER: YES
2. Does "the necessity for and the propriety and environmental effects of" the proposed electric transmission line merit a determination that the proposed electric transmission line should not be located on the Kelley property? (3 P.S. § 913)  
SUGGESTED ANSWER: YES
3. In the event the Commission authorizes the placement of the proposed electric transmission line on the Kelley property, is Penelec required to relocate the proposed electric transmission line to the edge of the property?  
SUGGESTED ANSWER: YES
4. Will placement of the proposed electric transmission line create a large corridor through the Kelleys' property, opening it up for potential trespass and the possibility of landowner liability, and thereby negatively affecting the landowners' level of privacy, their seclusion and being threatened by the increased ability of the general public to access the property.  
SUGGESTED ANSWER: YES

5. Will placement of the proposed electric transmission line severely limit the ability of the landowners to develop the property to its fullest extent as has been contemplated or to sell the property at its full market value.

SUGGESTED ANSWER: YES

6. With the property currently used as a farm with significant crops, does the maintenance of the proposed electric transmission line present the potential for health concerns related to the spraying of herbicides and the aerial cutting of overgrown trees?

SUGGESTED ANSWER: YES

7. Has any investigation occurred related to whether the location of the proposed electric transmission line is contrary to the Allegheny Front Hawkwatch which borders the Kelley property?

SUGGESTED ANSWER: NO

**Names and Addresses of Witnesses**

Kathy R. Kelley &  
Jeffrey Kelley  
142 Mile Hill Road  
Johnstown, PA 15909  
A-2016-2565547

The landowners reserve the right to call/offer for purposes of rebuttal and/or impeachment, witnesses not listed herein.

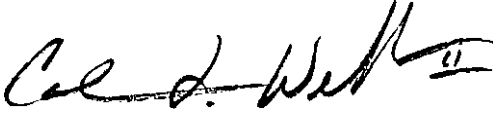
**Proposed Area of Witness Testimony**

The landowners intend to testify about the specific features and current uses of the subject property as well as the proposed future plans for development opportunities of the parcel that will be adversely affected by the Penelec project. The landowners will speak to the problems that the proposed electric transmission line could cause for the property such as increased access by trespassers through the easement corridor along with the potential for landowner liability, invasion of privacy from the actions of the uninvited interlopers, interference with their ability to farm the entire property, interference with their planned construction of a new house in the area of the proposed electric transmission line, and other negative environmental consequences. Further, the

landowners would speak to the concerns they have regarding the maintenance of the operational line with the spraying of herbicides and aerial cutting which may create health issues for any crops and livestock. The landowners will also speak to their concerns over the project's effect on their daily farming operation once the project is completed and operating.

At the request of the Commission, the landowners would be amenable to consolidating their proposed testimony into written form in advance of the scheduled hearing, consistent with Section 5.222(c)(3) and also to provide any documentation requested by Penelec which will aid their preparation or expedite the hearing.

Date: November 28, 2016

By:   
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Pa. I.D. # 39666  
Attorney for Landowners:  
Kathy R. Kelley & Jeffrey Kelley

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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**In the Matter of:** :  
**Application of Pennsylvania Electric Company** : **A-2016-2565296**  
: **A-2016-2565547**  
:  
: **Landowners:**  
: **Kathy R. Kelley &**  
: **Jeffrey Kelley**  
: **142 Mile Hill Road**  
: **Johnstown, PA 15909**

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of § 1.54 (relating to service by a party) by First class mail by mailing the requisite number of copies to each party as provided in § 1.59 (relating to number of copies to be served), properly addressed with postage prepaid.

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PENNSYLVANIA PUBLIC UTILITY COMMISSION  
COMMONWEALTH KEYSTONE BUILDING  
2ND FLOOR, ROOM-N201  
400 NORTH STREET  
HARRISBURG, PA 17120

JEFFREY A. WATSON  
ADMINISTRATIVE LAW JUDGE  
301 FIFTH AVENUE  
SUITE 220  
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BERWIND CORPORATION  
C/O THE WILMORE COAL COMPANY  
509-15TH STREET  
WINDBER PA 15963  
A-2016-2565549

WILMORE COAL COMPANY  
509 15TH STREET  
WINDBER PA 15963  
A-2016-2565369

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FRANK J. SHENIGO REVOCABLE LIVING TRUST  
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ROBINDALE ENERGY SERVICES INC  
224 GRANGE HALL ROAD  
ARMAGH PA 15920  
A-2016-2565509

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C/O LINDA KRUPNIK  
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MCLEAN VA 22102  
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HARKEYSVILLE PA 19438  
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FRITZ LAND HOLDINGS LP  
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A-2016-2565360

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ALBERT STILES  
190 MOSS ROCK LANE  
CAIRNBROOK PA 15924  
A-2016-2565545

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A-2016-2565472

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KENNETH & KAREN SKONE  
101 HICKORY AVENUE  
CENTRAL CITY PA 15926  
A-2016-2565378

SCOTT M ANDREWS &  
AUDREY A ANDREWS  
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CAIRNBROOK PA 15924  
A-2016-2565543



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PHILADELPHIA PA 19103-2921  
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A-2016-2565504 Keith A. Lohr  
A-2016-2565545 Albert Stiles  
A-2016-2565472 Shirley Huston & Gary E. Lambert

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Attorney for Kathy R. Kelley  
& Jeffrey Kelley  
142 Mile Hill Road  
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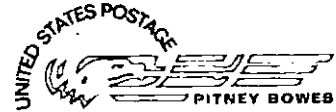
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